

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN THE MATTER OF:) Civ. No. 07-50039 _____
HASSAN HARAJLI)
LUNA PIER FUEL STOP, INC.) WARRANT FOR ENTRY,
ELITE MANAGEMENT LLC) INSPECTION AND REMOVAL OF
SYNERGY PETROLEUM) CONTAMINATION PURSUANT TO
LUNA PIER FUEL CENTER, INC.) SECTION 311 OF THE CLEAN WATER ACT,
4180 LUNA PIER ROAD) 33 U.S.C. § 1321
LUNA PIER, MICHIGAN)

TO: Any Officer, Employee, or Designated Representative of the United States Environmental Protection Agency, including its U.S. EPA contractors, and Any Other Accompanying Federal, State, or County Officer.

An Ex Parte Application for a Warrant for Entry, Inspection, and Removal together with Affidavits of EPA On-Scene Coordinators for Michigan, and Memorandum of Law have been filed with this Court. The application is for a warrant to conduct removal and related removal activities related to an oil spill at 4180 Luna Pier Road, Luna Pier, Michigan (“the facility”). The Application and affidavits establish that the activities included in this warrant are necessary and appropriate in order to investigate and remove soil and groundwater contamination at the facility which poses an imminent and substantial threat to the public health, welfare and environment.

The Application and affidavits establish that EPA is authorized by the Clean Water Act (CWA) to conduct the inspection and removal activities hereinafter set forth. Specifically, the Court finds that reasonable grounds exist for an entry pursuant to Sections 311 (b), (c) and (e) of the CWA, 33 U.S.C. § 1321(b), (c), (e) and (m) for issuance of a warrant of inspection, inspection activities and removal.

WHEREFORE, you are hereby authorized to enter the above described location, and as necessary, re-enter, to conduct the following activities:

1. Enter the facility at all hours necessary to contain and control any oil contamination.
2. Continue actions to recover, cleanup and dispose of all free oil product and oil-saturated sub-surface soil, oil-contaminated debris and oil-contaminated surface water at the facility.
3. Identify and secure all pathways of release of oil from the facility to drainage ditches, storm and sanitary sewers.
4. Initiate a routine inspection/monitoring program that provides for the detection and removal of all free oil from the facility and storm and sanitary sewer system to prevent the discharge of oil from the facility, including installing necessary devices to facilitate such monitoring and testing equipment, taking photographs and samples, digging trenches, testing all underground storage tanks, piping, and associated equipment.
5. Fully characterize and delineate the extent of contamination in subsurface soils at the facility and assess the potential for any off site migration of oil.
6. Establish and implement a system for the excavation of oil-saturated subsurface soils and recovery of all free oil product from subsurface soils to prevent the threat of discharge of oil from the facility to the drainage ditches and the city storm and sanitary sewers.
7. Implement short and long term controls to prevent future spills and releases from entering the storm and sanitary systems and drainage ditch at the facility including, but not limited to, testing the integrity of the entire length of piping for the diesel tank at the facility and repairing and replacing any defective piping.
8. Provide for worker and public health and safety.
9. Interview facility representatives or employees in regard to the underground storage tanks and contamination of the soil and groundwater at the facility.

The inspection and removal activities shall begin as soon as practicable after issuance of this warrant, shall be conducted in a reasonable manner, and shall be completed with reasonable

promptness, but in no case longer than sixty (60) days from the date this warrant is executed (unless this warrant is renewed or extended).

You are authorized to bring to the above-described premises and to utilize there whatever equipment, machinery, contractors or other tools that are necessary to conduct the inspection and removal. You are further authorized to use water, electrical power, and any related underground storage tank equipment at the facility.

If property is seized pursuant to this warrant, you shall give the person from whom or from whose premises the property is taken, a copy of this warrant and a receipt for the property taken, or shall leave the copy and receipt at the place from which the property is taken.

A prompt return of this warrant showing that the inspection and removal has been completed, accompanied by a written inventory of any property taken, shall be made to this Court no later than ten (10) days from completion of the removal activities. The inventory shall be made in the presence of the person executing the warrant and in the presence of the person from whose possession or premises the property is taken, if they are available, or in the presence of at least one credible person other than the person making such inventory and it shall be verified by the person executing the warrant.

DATED: This 17th day of January, 2007.

s/Lawrence P. Zatkoff
United States District Court Judge

RETURN OF SERVICE

I hereby certify that a copy of this warrant was served by presenting a copy of it to

_____ on _____ at _____.

Signature

Title

RETURN

Inspection and removal at the facility as described in this warrant was completed on

_____.

Signature